

DECISIONS PER CURIAM, FROM MAY 19, 1919,
TO JUNE 9, 1919, NOT INCLUDING ACTION ON
PETITIONS FOR WRITS OF CERTIORARI.

No. 136. *L. CASS MILLER ET AL. v. JOHN WIETHAUP ET AL.* Appeal from the District Court of the United States for the Eastern District of Missouri. Submitted April 24, 1919. Decided May 19, 1919. *Per Curiam*. Affirmed upon the authority of *State ex rel. Clay County v. Hackman*, 270 Missouri, 658. *Mr. Thomas K. Skinker* for appellants. *Mr. Richard F. Ralph* and *Mr. Charles A. Houts* for appellees.

No. 205. *UNITED STATES v. A. H. HEYWARD ET AL., ADMINISTRATORS, ETC.* Appeal from the Court of Claims. Argued January 31, 1919. Decided May 19, 1919. *Per Curiam*. Judgment affirmed by an equally divided court. *The Solicitor General* for the United States. *Mr. E. C. Brandenburg*, with whom *Mr. W. Boyd Evans* and *Mr. F. W. Brandenburg* were on the brief, for appellees.

No. 689. *SILAS WHITE v. UNITED STATES.* Error to the District Court of the United States for the District of Nebraska. Motion to dismiss submitted April 21, 1919. Decided May 19, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of: (1) *Equitable Life Assurance Society v. Brown*, 187 U. S. 308, 314; *Consolidated Turnpike Co. v. Norfolk, &c. Ry. Co.*, 228 U. S. 596, 600; *Manhattan Life Ins. Co. v. Cohen*, 234 U. S. 123, 137; *Pennsylvania Hospital v. Philadelphia*, 245 U. S. 20, 24. (2) *United States v. Kagama*, 118 U. S. 375; *United States v. Celestine*, 215 U. S. 278; *Donnelly v.*

United States, 228 U. S. 243, 270; *United States v. Sandoval*, 231 U. S. 28, 39; *United States v. Nice*, 241 U. S. 591. *Mr. Thomas L. Sloan* for plaintiff in error. *The Solicitor General* for the United States.

No. —, Original. *Ex parte*: IN THE MATTER OF CLARENCE L. ZIEGLER, PETITIONER. Submitted May 5, 1919. Decided May 19, 1919. Motion for leave to file a petition for a writ of *habeas corpus* herein denied. *Mr. J. H. Adrians* for petitioner.

No. 349. DANIEL DONAHOE *v.* PEOPLE OF THE STATE OF ILLINOIS. Error to the Supreme Court of the State of Illinois. Motion to dismiss submitted May 19, 1919. Decided June 2, 1919. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of *McCain v. Des Moines*, 174 U. S. 168, 181; *Western Union Telegraph Co. v. Ann Arbor R. R. Co.*, 178 U. S. 239, 243; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. Petition for certiorari denied. *Mr. Leo L. Donahoe* for plaintiff in error. *Mr. Edward J. Brundage* for defendant in error.

No. 240. JOHN D. FAXON *v.* CIVIL TOWNSHIP OF LALLIE, BENSON COUNTY, NORTH DAKOTA. Error to the Supreme Court of the State of North Dakota. Argued March 17, 18, 1919. Decided June 2, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726. *Mr. S. E. Ellsworth* for plaintiff in error. *Mr. Edward T. Burke*, with

250 U. S.

Decisions Per Curiam, Etc.

whom *Mr. C. L. Young* was on the brief, for defendant in error.

No. —, Original. *Ex parte*: IN THE MATTER OF W. GORDON McCABE, JR., ET AL., PETITIONERS. Submitted May 19, 1919. Decided June 2, 1919. Motion for leave to file petition for a writ of mandamus denied. *Mr. William St. John Tozer* for petitioners. *Mr. Emanuel J. Meyers* and *Mr. Gordon S. P. Kleeberg* opposing.

No. —. ELBERT R. ROBINSON *v.* CHICAGO CITY RAILWAY COMPANY ET AL. Motion for an appeal submitted May 19, 1919. Denied June 2, 1919. *Mr. Solomon T. Clanton* for Robinson.

No. 732. CHARLES EDWIN LAYTON, ALIAS FRANCIS EDWIN LEIGHTON, ETC., *v.* UNITED STATES. Error to the District Court of the United States for the Southern District of Iowa. Motion to dismiss submitted June 2, 1919. Decided June 9, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Pickett v. Legerwood*, 7 Pet. 144, 148; *United States v. Abatoir Place*, 106 U. S. 160, 162. *Mr. Isaac B. Kimbrell* and *Mr. Martin J. O'Donnell* for plaintiff in error. *The Solicitor General* for the United States.

No. 894. EARL DEAR *v.* PEOPLE OF THE STATE OF ILLINOIS. Error to the Supreme Court of the State of Illinois. Motion to dismiss submitted June 2, 1919. Decided June 9, 1919. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of *Spencer v.*

Decisions on Petitions for Writs of Certiorari. 250 U. S.

Duplan Silk Co., 191 U. S. 526, 530; *Shulthis v. McDougal*, 225 U. S. 561, 569; *Hull v. Burr*, 234 U. S. 712, 720; *Norton v. Whiteside*, 239 U. S. 144, 147. *Mr. Emory J. Smith* and *Mr. Charles C. Williams* for plaintiff in error. *Mr. Edward J. Brundage* and *Mr. Edward C. Fitch* for defendant in error.

No. —, Original. *Ex parte*: IN THE MATTER OF CHARLES C. FOSTER, ACTING SUPERINTENDENT OF THE WASHINGTON ASYLUM AND JAIL, PETITIONER. Submitted June 2, 1919. Decided June 9, 1919. Petition for the allowance of an appeal herein denied. *The Solicitor General* for petitioner.

No. —, Original. *Ex parte*: IN THE MATTER OF THE BALDWIN COMPANY ET AL., PETITIONERS. Submitted June 2, 1919. Decided June 9, 1919. Petition for the allowance of an appeal herein granted. *Mr. Lawrence Maxwell* and *Mr. John E. Cross* for petitioners.

DECISIONS ON PETITIONS FOR WRITS OF CERTIORARI, FROM MAY 19, 1919, TO JUNE 9, 1919.

(A.) PETITIONS GRANTED.¹

No. 986. *ERIE RAILROAD COMPANY v. ANTONIO SZARY*. May 19, 1919. Petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. William C. Cannon* for petitioner. *Mr. John C. Robinson* for respondent.

¹ For petitions denied, see *post*, 639.